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d/b/a OpenSea, a New York Corporation*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ROBERT ARMIJO,

Plaintiff,

vs.

OZONE NETWORKS, INC. d/b/a OPENSEA, a
New York Corporation, YUGA LABS, LLC d/b/a
BORED APE YACHT CLUB, a Delaware limited
liability company, LOOKSRARE; and DOES 1 to
50,

Defendants.

CASE NO. 3:22-CV-00112-MMD-CLB

**DEFENDANT OZONE NETWORKS,
INC.'S JOINDER TO DEFENDANT
YUGA LABS' MOTION TO STAY
DISCOVERY OR EXTEND
DEADLINES**

1 Defendant Ozone Networks, Inc. d/b/a OpenSea (“OpenSea”), by and through its counsel
2 of record, Munger, Tolles & Olson LLP and Dickinson Wright PLLC, hereby joins in and adopts
3 Defendant Yuga Labs, Inc.’s Motion to Stay Discovery Deadlines Under Fed. R. Civ. P. 26(f)
4 and LR 26-1 and To Vacate Case Management and Scheduling Orders (ECF No. 78), filed on
5 August 3, 2022, as though fully set forth herein.

6 As with Yuga Labs and as set forth in additional detail in OpenSea’s own Motion to Stay
7 Discovery Deadlines Under Fed. R. Civ. P. 26(f) and LR 26-1 (ECF No. 80), a “preliminary
8 peek” at the merits of OpenSea’s pending Motion to Dismiss the Amended Complaint (ECF No.
9 71 (“OpenSea MTD”)) demonstrates that Plaintiff will be unable to state a claim for relief
10 against OpenSea and that a stay of discovery is warranted pending resolution of OpenSea’s
11 Motion. *See Urb. Outfitters, Inc. v. Dermody Operating Co.*, No. 3:21-cv-00109-MMD-CLB,
12 2021 WL 3605053 (D. Nev. Aug. 13, 2021).

13 Because OpenSea is likely to succeed in dismissing Plaintiff’s Amended Complaint,
14 discovery remains unwarranted in this action. *See, e.g., Tradebay, LLC v. eBay, Inc.*, 278 F.R.D.
15 597, 601 (D. Nev. 2011) (“The purpose of Federal Rule 12(b)(6) is to enable defendants to
16 challenge the legal sufficiency of a complaint without subjecting themselves to discovery.”);
17 *Godwin v. Senior Garden Apartments*, No. 2:17-cv-02178-MMD-DJA, 2021 WL 564901, at *2
18 (D. Nev. Jan. 26, 2021) (granting stay of discovery when “the Court is not convinced that
19 Plaintiff will survive dismissal”).

20 OpenSea therefore joins Yuga Labs, Inc.’s motion to stay discovery or otherwise extend
21 the deadlines triggered by Fed. R. Civ. P. 26(f) and LR 26-1, vacate the Fed. R. Civ. P. 26(f)
22 report submitted, and vacate both the Scheduling Order and Order to File Case Management
23 Report entered on July 21, 2022 as premature, and adjourn further case scheduling until such time
24 as the impending motions to dismiss have been decided.

1 DATED this 3rd day of August, 2022.

2 DICKINSON WRIGHT PLLC

3 /s/ Justin J. Bustos

4 JOHN P. DESMOND

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CERTIFICATE OF SERVICE

The undersigned, an employee of Dickinson Wright PLLC, hereby certifies that on the 3rd day of August 2022, caused a copy of the foregoing **DEFENDANT OZONE NETWORKS, INC.'S JOINDER TO DEFENDANT YUGA LABS' MOTION TO STAY DISCOVERY OR EXTEND DEADLINES** to be transmitted by electronic service in accordance the Court's CM/ECF e-filing system, addressed to:

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